IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 19142 of 2006

For Approval and Signature:
HONOURABLE MS. JUSTICE R.M.DOSHIT

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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HANSABEN BABULAL VAGHELA - Petitioner(s)
Versus
STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :
MR ASHOK N PARMAR for Petitioner(s) : 1,
MS ASMITA PATEL, AGP for Respondent(s) : 1,
NOTICE SERVED for Respondent(s) : 2 - 3.

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CORAM : HONOURABLE MS. JUSTICE R.M.DOSHIT

Date : 12/12/2006

ORAL JUDGMENT

Heard the learned advocates.

RULE returnable today. Ms.Patel waives service of rule. With the consent of the learned advocates, the petition is heard and disposed of today.

The petitioner was a part-time Sweeper in the office of the Commissioner of Higher Education under the State Government. Feeling aggrieved by termination of her service, she raised an industrial dispute, which came to be referred to the Labour Court, Ahmedabad. The Labour Court, Ahmedabad has, by impugned judgment and award dated 24th May, 2006, passed in Reference (LCA) No.123/2005, rejected the claim of the petitioner. Feeling aggrieved, she has preferred the present petition.

It is admitted that the petitioner was engaged as a part-time Sweeper in the office of the Commissioner of Higher Education under the State Government. The office of the Commissioner of Higher Education is part of the Government administration discharging sovereign function of the State. The same, therefore, cannot be said to be an industry within the meaning of Section 2(j) of the Industrial Disputes Act, 1947. The impugned judgment and award passed by the Labour Court is wholly without jurisdiction. In the circumstances, the impugned

judgment and award passed by the Labour Court in Reference (LCA) No.123/2005 is quashed and set-aside. The petitioner will be at liberty to take out appropriate proceeding for redressal of her grievance. Rule is made absolute. The parties shall bear their own cost.

(Ms. R.M.Doshit, J.)

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